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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	2:11-cr-0434-LDG(GWF)
)	
v.)	PROPOSED COMPLEX CASE
)	SCHEDULE PURSUANT TO
EDUARD PETROIU, et al.,)	LCR 16-1(a)
)	
Defendant.)	
)	

Pursuant to Local Rule 16-1(a)(1) and (2), counsel for the United States, Timothy Vasquez, Assistant United States Attorney, and all undersigned counsel for Defendants, file this proposed Complex Case Schedule and seek an Order “fixing the schedule for discovery and pretrial motions”. LCR 16-1(a)(1)-(a)(4).¹

THE CASE HAS BEEN DESIGNATED AS COMPLEX

The Court heard arguments on January 24, 2012, and granted Defendant Vales Motion to Designate [121] [141] respectively.

PROPOSED COMPLEX CASE SCHEDULE

1. Trial Date(s):

¹Defendant Eugene Stoytchev is still awaiting appointment or retention of counsel.

1 All parties would request a trial setting in October 2012.

2 **2. Initial Discovery Phase**

3 The parties propose that the government shall have until February 16, 2012, to
4 disclose and provide the following:

5 a) the bulk of the statements, documents, and objects, including audio and video
6 recordings, required to be disclosed under FRCP 16(a)(1)(A)-(F), including
7 foreign language audio recordings, defense counsel may file a motion to request
8 minimization logs;

9 b) all search warrants, orders authorizing the interception of wire, oral or
10 electronic communications, supporting affidavits, that relate to evidence that may
11 be offered at trial.

12 **3. The Discovery Motions Schedule to Resolve Any Discovery Disputes**

13 The parties acknowledge a duty to make good faith efforts to meet and confer
14 with each other to resolve informally any dispute over the scope, manner and method of
15 disclosures before seeking relief from the Court. A breach of duty to meet and confer,
16 by either party, may serve as a basis to grant or deny any subsequent motion for
17 appropriate relief made before the Court. If the parties are unable to agree or resolve
18 disputes after good faith efforts to do so, the parties propose the following discovery
19 and non-discovery pretrial motions schedule:

20 a) Pre trial Motions, including notices of any defenses under Rules 12.1,
21 12.2 and 12.3, of the Federal Rules of Criminal Procedure, shall be filed
22 on or before April 28, 2012;

- 1 b) Responses to Pretrial Motions to be filed on or before May 13, 2012;
2 c) Replies to Pretrial Motions to be filed on or before May 18, 2012.
3
4

5 **4. The Second Discovery Phase**

6 The parties propose that NO LATER THAN 30 DAYS BEFORE TRIAL

- 7 a) the government will provide expert disclosures as required under Federal
8 Rule of Criminal Procedure 16(a)(1)(G);
9 b) the defendant will comply with his obligation to provide reciprocal
10 discovery and provide all documents, objects and reports of examination
11 required under FRCP 16(b)(1)(A) and (B). The defendant will provide
12 discovery pursuant to Rule 16(b)(1)(c) concerning expert witnesses
13
14 NO LATER THAN 20 DAYS BEFORE TRIAL

15 **5. The Third Discovery Phase**

16 The parties propose that NO LATER THAN 10 DAYS BEFORE TRIAL:

- 17 a) the parties will disclose any summaries, charts or calculations that will be
18 offered in their respective case in chief at trial;
19
20 b) the parties will identify recordings, transcript of recordings, or portions
21 thereof, that will be offered in their respective case in chief at trial, except
22 for foreign language recordings and/or transcripts which defense counsel
23 may file a motion to disclose to reduce the cost of defense.
24
25 c) the government will disclose any statements of witnesses under Title 18
26 United States Code, Section 3500, unless the government files a motion
27
28

1 for protective order under Rule 16(d)(1) at the times said statement is due
2 herein; and

3 d) the defendant will disclose any statements of witnesses the defendant
4 intends to call in his case in chief.
5

6 **6. Issues on which agreement has not been reached**

7 Defendants shall file on or before ~~Oct 1st~~ ^{Feb 1st}, 2012, any and all motions
8 relating to disclosure of reports or memoranda of interviews of witnesses the
9 government intends to call in its case in chief; and disclosure of all evidence or
10 information known to the prosecutor that tends to negate the guilt of the accused or
11 mitigate the offense pursuant to LR IA 10-7(a), which incorporates Rule 3.8 of the
12 Nevada Rules of Professional Conduct, effective May 1, 2006.
13

14 Defendants specifically reserve the right to file motions concerning the format
15 and nature of the video and audio provided in discovery including but not limited to
16 requesting the government to produce a rough draft index.
17

18 **7. Supplemental Motions**

19 The parties agree that no supplemental motion can be filed upon a showing of
20 good cause as determined by the court. These motions shall be based on issues
21 unforeseen to the parties at the time this agreement is filed.
22

23 DATED this 2nd February, 2012.
24

25 By: /s/ Chris Rasmussen

26 Chris Rasmussen, Esq.
27 Attorney for Michael Vales
28

IT IS SO ORDERED this 9th day
of February, 2012.

Peggy A. Leen
Peggy A. Leen
United States Magistrate Judge

1 By: /s/ Charles Kelley

2 _____
3 Charles Kelley, Esq.
Attorney for Bertly Ellazar

4 By: /s/ Osvaldo Fumo

5 _____
6 Osvaldo Fumo, Esq.
Attorney for Iavor Stoychev

7 By: /s/ Timothy Vasquez

8 _____
9 Timothy Vasquez
Assistant United States Attorney

10 By: /s/ Kalani Hoo

11 _____
12 Kalani Hoo, Esq.
Attorney for Melanie Pascua

13 By: /s/ Thomas Ericsson

14 _____
15 Thomas Ericsson, Esq.
Attorney for Radu Lisnic

16 By: /s/ Thomas Pitaro

17 _____
18 Thomas Pitaro, Esq.
Attorney for Edelin Dimitrov

19 By: /s/ James Hartsell

20 _____
21 James Hartsell, Esq.
Attorney for Christopher Castro

22 By: /s/ Benjamin Durham

23 _____
24 Benjamin Durham, Esq.
Attorney for Manuel Garza

25 By: /s/ Xavier Gonzales

26 _____
27 Xavier Gonzales, Esq.
Attorney for Eduard Petroiu

1 By: /s/ Craig Drummond

2 _____
3 Craig Drummond, Esq.
Attorney for Ryne Green

4 By: /s/ Herb Sacs

5 _____
6 Herb Sachs, Esq.
7 Attorney for
Evghenii Russu
Delyana Nedylkova

8 By: /s/ Eric Roy

9 _____
10 Eric Roy, Esq.
Attorney for Vladimir Budestean

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